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10 Attorneys for Defendant
WELLS FARGO BANK, N.A., successor by merger with
11 Wells Fargo Bank Southwest, N.A. f/k/a/ Wachovia
Mortgage, FSB f/k/a World Savings Bank, FSB
12

13 **UNITED STATES DISTRICT COURT**
14 **NORTHERN DISTRICT OF CALIFORNIA**
15

16 ROBERT TUCK, PATRICIA BERKOWITZ,

17 Plaintiffs,

18 vs.

19 WELLS FARGO HOME MORTGAGE; NDEX
20 WEST, LLC; DOES 1 through 50, inclusive,

21 Defendants.
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Case No. 4:12-CV-04002-DMR

[Assigned for all purpose to Magistrate Judge
Donna M. Ryu]

**STIPULATION TO CONTINUE HEARING
ON (1) WELLS FARGO BANK, N.A.'S
MOTION TO DISMISS THE COMPLAINT
AND (2) PLAINTIFFS' ORDER TO SHOW
CAUSE WHY A PRELIMINARY
INJUNCTION SHOULD NOT ISSUE AND
[PROPOSED] ORDER**

Date: October 11, 2012
Time: 11:00 a.m.
Dept.: 4, 3rd Floor

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3 **STIPULATION**

4 This stipulation is entered into by and between Plaintiffs Robert Tuck and Patricia
5 Berkowitz ("Plaintiffs") and Defendant Wells Fargo Bank, N.A. ("Wells Fargo"), through their
6 respective counsel of record, with regard to the following:

7 WHEREAS, the hearing on Wells Fargo's Motion to Dismiss the Complaint is currently
8 scheduled for October 11, 2012 at 11:00 a.m.;

9 WHEREAS, the hearing on Plaintiffs' Order to Show Cause Why a Preliminary Injunction
10 Should Not Issue is currently scheduled for October 11, 2012 at 11:00 a.m.;

11 WHEREAS, Plaintiffs and Wells Fargo are attempting to reach a settlement and wish to
12 maintain the status quo during the settlement negotiations;

13 Plaintiffs and Wells Fargo, through their respective counsel, hereby stipulate as follows:

14 1. The hearing on Wells Fargo's Motion to Dismiss the Complaint currently scheduled
15 for October 11, 2012 at 11:00 a.m. be continued 45 (forty five) days, or such other longer period
16 as is convenient for the Court.

17 2. The hearing on Plaintiffs' Order to Show Cause Why a Preliminary Injunction
18 Should Not Issue currently scheduled for October 11, 2012 at 11:00 a.m. be continued 45 (forty
19 five) days, or such other longer period as is convenient for the Court.

20 **AGREED TO AND ACCEPTED BY:**

21
22 Dated: October 9, 2012

ALLEN MATKINS LECK GAMBLE
MALLORY & NATSIS LLP

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24 By: /s/ Josi Kennon Swonetz
25 JOSI KENNON SWONETZ
26 Attorneys for Defendant
27 WELLS FARGO BANK, N.A., successor by
28 merger with Wells Fargo Bank Southwest,
N.A. f/k/a/ Wachovia Mortgage, FSB f/k/a
World Savings Bank, FSB

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Dated: October 9, 2012

CAMACHO & ASSOCIATES

By:



LUIS W. CAMACHO
Attorneys for Plaintiffs
Robert Tuck and Patricia Berkowitz

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~~PROPOSED~~ ORDER

For good cause appearing, it is so ordered as follows:

1. The hearing on Wells Fargo's Motion to Dismiss the Complaint currently scheduled for October 11, 2012 at 11:00 a.m. is rescheduled for November 29, 2012 at 11:00 a.m.
2. The hearing on Plaintiffs' Order to Show Cause Why a Preliminary Injunction Should Not Issue currently scheduled for October 11, 2012 at 11:00 a.m. is rescheduled for November 29, 2012 at 11:00 a.m.

IT IS SO ORDERED.

Dated: Oct. 9, 2012

